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A Voice for Youth

SPECIAL REPORT

April 25, 2006

TO THE SASKATCHEWAN LEGISLATIVE ASSEMBLY

ON

THE YOUTH DRUG DETOXIFICATION AND STABILIZATION ACT

BY

SASKATCHEWAN CHILDREN'S ADVOCATE

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SASKATCHEWAN

April 25, 2006

The Honorable P. Myron Kowalsky
Speaker of the Legislative Assembly
129 Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Speaker:

I am submitting to you and to Members of the Legislative Assembly, in accordance with Section 30.1(3) of *The Ombudsman and Children's Advocate Act*, my Report on *The Youth Drug Detoxification and Stabilization Act*.

Respectfully submitted,

Marvin M. Bernstein

Marvin M. Bernstein, B.A., LL.B., LL.M.
Children's Advocate
Province of Saskatchewan

Enclosure

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Introduction

The Legislative Assembly passed *The Youth Drug Detoxification and Stabilization Act* (Act) and Royal Assent was granted on December 2, 2005. The Act was proclaimed and became enforceable law on April 1, 2006.

The *Act* has been discussed and promoted in the Legislative Assembly, the Standing Committee on Human Services, and in the public forum by the media as an *Act* addressing treatment that will be used only as a last resort to "force" addicted youth into a treatment program.

The *Act* has been described in the Legislature in the following way:

"This *Act* [*The Youth Drug Detoxification and Stabilization Act*] supports our government's commitment to ensure an accessible, flexible and effective treatment approach for youth with substance abuse issues…"[1]

Upon review of the *Act*, the Saskatchewan Children's Advocate finds no reference to treatment, a link to treatment, or a process or protocol whereby a child or young persons can access treatment directly through this Act. It therefore begs the questions as to how this *Act* is a portal to treatment and why Government is promoting it publicly in this way.

While it is for a sovereign Legislative Assembly to determine its legislation, it is of great concern to me, the Saskatchewan Children's Advocate, that the intention of this *Act* has been described in terms different than the Act itself. Moreover, it is of greater concern that the lives of young people and their families may be adversely affected and the future of the young persons' lives may be stigmatized in a potentially negative way through the processes and procedures used to implement and enforce this *Act*.

I have been respectful of the legislative process and have diligently brought forward my concerns at appropriate intervention points in the process. However, these concerns have not been addressed adequately to mitigate the violation of rights enjoyed by individuals, including young persons, in our democracy. Consequently, it is the duty and obligation of the Saskatchewan Children's Advocate, as outlined in *The Ombudsman and Children's Advocate Act* to bring forward and place before this Legislature the concerns related to *The Youth Drug Detoxification and Stabilization Act* and its impact on the rights, freedoms and lives of Saskatchewan's children and youth.

Overview

My colleague, Saskatchewan's Information and Privacy Commissioner, tabled a Special Report outlining his concerns as it relates to his jurisdiction and mandate. As Children's

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[1] Legislative Assembly of Saskatchewan. (2005, November 23). Debates and Proceedings. Saskatchewan Hansard, Vol 11A. p. 383. Regina, SK. Author

Advocate, I too have serious concerns about the fairness of this legislation to young persons that has not been addressed in the legislation. As well, I am troubled by the absence of any meaningful Government consultation with the Independent Officers of this Legislature in respect of this important piece of legislation.

As Saskatchewan's Children's Advocate, I have been deeply concerned about this legislation since its conception. I have communicated these concerns directly to the Minister responsible, the Hon. Graham Addley, through specific correspondence and face-to-face meetings with the Minister and his officials and in correspondence to the Standing Committee on Human Services.

My first objection was raised with Minister Addley and the Standing Committee on Human Services in correspondence dated November 24 and 25, 2005 respectively (see Appendix A and B), when *The Youth Drug Detoxification and Stabilization Act* was first introduced to this Legislature as Bill 27. I have continued to voice my objections in dialogues with the Minister and his officials up to the time of drafting of the associated Regulations and proclaimation of the *Act* on April 1, 2006.

In my correspondence, I outlined several specific concerns regarding the adverse treatment of rights within this Act. While I previously focused on my mandate with regard to the young persons of this province, subsequent review demonstrates there are also significant concerns with respect to the rights of parents or guardians of the young person. Specifically, my concerns are framed within the context of the following issues:

- That a Preamble or Declaration of Principles that endorses the United Nations *Convention on the Rights of the Child* (UN *CRC*) commitment to the 'least intrusive measure' be included in the legislation.

Remark: The Government of Canada is a signatory to the United Nations *Convention on the Rights of the Child.* As such, it also behooves all the Canadian Provinces and Territories to ensure that their legislation meets the standard of the UN *CRC* in the laws that they pass and proclaim. Clearly, *The Youth Drug Detoxification and Stabilization Act* does not.

- That the young person be entitled to access legal counsel right from the point of apprehension, rather than after the completion of the assessment process.

Remark: The *Act* and its subsequent Regulations make reference to an Official Representative. However, neither the Act, nor the Regulations identify this representative as legal counsel. I have been advised that it is "understood" that it will be legal counsel in every instance. It is my opinion that such "understanding" is subject to change over time, or individual interpretation and, as such, it should be clearly stated and defined in either the Act itself, or the subsequent Regulations attached to the Act. In addition, even if the Official Representative is a lawyer, he or she may be subject to a bureaucratic structure that a child's own counsel would not.

- That the young person be automatically apprised of his or her right to access legal counsel, the official representative and the Children's Advocate, without first having to request such information.

Remark: The Act itself is specifically an Act governing detoxification and stabilization with involuntary detention as the method of enforcement. It is incumbent upon the Government, at a minimum, to ensure such a violation of rights is balanced with automatic assistance to ensure that the young person's rights are not further violated. This is particularly important since the Act claims to deal with a time in the young person's life when he or she is in crisis and may be the least coherent and the most vulnerable. In addition, the Act makes no reference to the young person's right to have access to counsel or to the Children's Advocate Office.

- That the young person be entitled to an automatic right to obtain the warrant and the sworn information in support of that warrant, so that he or she will have fair and reasonable disclosure of the grounds for the apprehension.

Remark: The first step in procedural fairness or the principles of natural justice is the right to be informed. Neither the Act itself, nor the Regulations mitigate the 'reverse onus' in respect of the disclosure of fundamental information, which is placed on the young person during this time of crisis. The young person's right to be informed appears to be compromised at various stages in the admission, detention and appeal process contained in this legislation.

Fundamental notifications should be given automatically to young persons and should not be contingent upon the young person having sufficient knowledge or capacity to make a formal request.

- That the post-apprehension hearing occur as of right, with the Government having the onus of proof throughout, rather than there being a prejudicial "onus reversal" imposed upon the young person in question, who may be in crisis and acting in some diminished capacity.

Remark: While there is a right of appeal before a review panel, which must be requested by the young person, there is a missing intermediate step as there is no automatic right to a post-apprehension hearing within a prescribed period of time, with the onus of proof being borne by the Government. Accordingly, the process is irreparably prejudiced against the young person in favour of the Government and is completely contrary to the principles of natural justice.

This is unacceptable and this process is directly related to age discrimination and would not, under any circumstance, be imposed upon an adult.

- That the young person be given the right to participate in any procedure or decision being made about him/her.

Remark: Young persons have a right to participate in any procedure or decision being made about them. In particular, Article 12(1) of the UN *CRC* provides that "States Parties shall assure to the child who is capable of forming his/her own views the right to express those freely in all matters affecting the child..."

The Youth Drug Detoxification and Stabilization Act provides for no voice or participation for young persons until the review panel is convened and, at this time, they are not allowed to challenge the legitimacy of the originating apprehension. As well, subsequent to apprehension, there is no opportunity for the young person to respond to allegations before a Judge. If we compare this legislation with "show cause" hearings in child welfare proceedings or bail hearings in the criminal process, it is evident that the procedural protections are seriously deficient. This, in turn, raises serious concerns about potential breaches of Sections 7 and 15 of *The Canadian Charter of Rights and Freedoms*.

With regard to the management of the Act, as Children's Advocate, I have also identified the following deficiencies:

- The absence of procedural safeguards and due process rights.

Remark: The Government has announced that six beds at the Paul Dojack Centre will be used for the purpose of enacting this legislation. The Paul Dojack Centre is a youth correctional facility in Regina. I have serious concerns regarding the deficiencies relating to the processing and transportation of young persons from different parts of the province, in particular, northern communities to the Paul Dojack centre. Questions regarding the authority to hold young persons awaiting transportation to the facility remain unanswered in both the Act and the Regulations.

- The absence of any identified case manager or advocate for the young person during the process.

Remark: It remains unclear as to the process for case management from beginning to end of the mandate of this legislation. For example, what is to occur when a young person from the north is transported to Regina? Is the case manager to come from the home community, or assigned in Regina? What happens when the young person is reunited with his or her community – where does the case management plan reside?

- The expanded authority of police officers to apprehend without a warrant and the expanded authority of non-specialist physicians to issue community and detoxification orders.

Remark: While the Government has stated that it will not criminalize the process, I remain concerned that this may still be one of the unintended consequences of this legislation. The time that may be required for the physician to assess the young person leaves open a concern that criminal charges may be used, i.e. a charge of public mischief, to expedite the process of intake. Moreover, there is no clarification

as to how the young person is to be treated if there is a dispute between the two physicians required under the Act. I am concerned that the young person may be subjected to involuntary confinement until such a time as two consenting physicians can be located. If this were to occur, this would be a complete violation of individual rights.

- No mandatory child protection assessment to ensure that the youth is safe while on a community order.

Remark: One of the concerns that has been expressed to me, as the Children's Advocate, by young persons is the issue of community and family support[2] (see Appendix C). It is one thing to stabilize and detoxify a young person – it is another to return that young person to an environment where drug abuse or violence may be prevalent. The surrounding environment of the young person must be taken into account. This requires good case management and a child protection assessment, at the very least.

Special Report of Saskatchewan's Information and Privacy Commissioner

In his report presented to the legislature this past March, Saskatchewan's Information and Privacy Commissioner raised several concerns regarding *The Youth Drug Detoxification and Stabilization Act*. As Saskatchewan's Children's Advocate, I concur with his objections. Because of the way the legislation is written, many of the issues outlined in the Information and Privacy Commissioner's Special Report will come to my Office by default. This is of significant concern since my Office has neither the expertise, nor resources to deal with the issues of concern outlined in his report.

However, I do wish to underscore his concern regarding the use of the information gathered that will be used to present the case of addiction in order to satisfy the terms of *The Youth Drug Detoxification and Stabilization Act*. The Government is placing a significant stigma on both the family and young person without regard to the right to privacy of either. The questions that the Government should be addressing in this instance include:

- Who has the right to access the information gathered during the process?
- Does the young person, or family involved, have the right to modify or correct any false information gathered?
- Does the individual with a "close personal relationship" have the right to access all of the information gathered?
- How long will the information follow the young person? And, will it follow the young person into adulthood?
- Do potential educational institutions and employers of the young person have the right to access this information?

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[2] Saskatchewan Children's Advocate Office. (2005, October). *Saskatchewan Young Persons Voices on Addictions and Intervention Methods*. Available on-line at www.saskcao.ca

These are significant questions, the answers to which may have a devastating effect on the young person's life and the reputation of the family. It is important that these questions be answered immediately in order that the access to information and protection of privacy entitlements of young persons and their families are respected. At no time in our society is it acceptable to ignore the individual's right to access his/her personal information and to have such information kept private.

Parental Rights

Similarly, the rights of parents have the potential to be usurped in this Act. *The Youth Drug Detoxification and Stabilization Act* allows for an individual with a "close personal relationship" to initiate the process of involuntary confinement.

The Government has contended that the Act was in response to parental concern:

"*...citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to implement a strategy that will deal with crystal methamphetamine education, prevention, enforcement and treatment*"[3].

Nevertheless, the Act itself states something significantly different. Nowhere in the Act, or its corresponding Regulations, is a "close personal relationship" defined. Consequently, one must ask – who are these people? Can a coach, teacher, religious minister, concerned neighbour or a disgruntled ex-partner involved in a custody dispute initiate the involuntary confinement of the young person? What does that do to the reputation of the family, parents or in the case of a custody dispute, the reputation of the single parent? The problem is exacerbated when combined with the 'reverse onus' previously discussed. As Children's Advocate, I do not find it acceptable that such broad language can be used to initiate such intrusive measures that violate the most fundamental of individual rights we enjoy within our society.

I find it equally unlikely that parents envisioned this type of legislation when they were calling for the Government to initiate a program of treatment for addicted youth.

Is *The Youth Drug Detoxification and Stabilization Act* directed at treatment?

The Children's Advocate Office contracted independent internal research to help us better understand addiction treatment programs for youth. This research included a comprehensive review and analysis of the literature and expert discussion related to youth addiction treatment programming. There were a number of key principles identified as being important to effective practice in order to prevent and reduce harm from substance abuse for youth. In part, these included[4]:

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[3] Legislative Assembly of Saskatchewan. (2005, March 24). Debates and Proceedings. *Saskatchewan Hansard*, Vol 80. p.2. Regina, SK: Author.

[4] Roberts, G., McCall, D., Stevens-Lavigne, A., Anderson, J., Paglia, A., Bollenbach, S., Wiebe, J., & Gliksman, L. (2001). Preventing substance use problems among

- Build a strong framework
- Strive for accountability
- Understand and involve young people
- Create an effective process

In this research, it is noted that these principles can be used to create or evaluate programs, but they must be youth based, and not adult based. Additionally, one of the most significant factors is that programming for youth needs to be long term and sustainable and is not a "short term fix".

While not experts in the addictions field, as Saskatchewan's Children Advocate, it causes me great concern that the infrastructure needed to address the treatment of youth addiction does not appear to be in place, nor linked, to support the legislative intent of this Act.

Position of the Government at the time of Proclamation of *The Youth Drug Detoxification and Stabilization Act*

As quoted in the Hansard's on page 891, March 30, 2006, the Minster responsible, the Hon. Graham Addley is quoted as stating to this Assembly in support of proclamation of the Act:

"...We understand that the rights of the youth in question are of the utmost importance and will ensure that their rights are protected. We will also keep parents informed of the process.

...I do not believe that invoking the powers of this Act will be something that parents, advocates of children's rights, or the health care system will take lightly. In fact I view it as a last resort when all other options have failed. We are confident that, in most cases, other available options for detoxification and stabilization will be successful. All other avenues will be pursued before authorizing that a youth will be apprehended against his or her will.

As we move forward to implement this legislation, we are breaking new ground. There are always challenges associated with innovation, but we will continue to work with our partners in law enforcement, Justice and Community Resources to refine this process. We will monitor the use of this Act closely, using an evaluation mechanism to determine the efficacy of the approach. Thus we can assess what steps we need to take in the future."[5]

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young people: A compendium of best practices. Ottawa: Health Canada.
Available online at http://www.cds-sca.com.

[5] Legislative Assembly of Saskatchewan. (2006, March 30). Debates and Proceedings. *Saskatchewan Hansard*, N.S. Vol. XLVIII. No.31A p.891. Regina, SK: Author.

I believe this quotation underscores the serious deficiencies associated with this Act. Not only does this Act not speak to treatment, the proclamation of this Act seems to condone the notion that it is "okay" to experiment with the lives of young persons. That it is "okay" to adversely affect their future and the future reputation of their parents for the "greater good". But, it begs the question, "What is the greater good?" With no direct link to treatment; no process for case management; serious infringement on the individual rights of young persons and their parents; reliance on non-specialist physicians to write community orders; expanded authority of police; and, the potential interference by yet undefined persons with a "close personal relationship" to the young person, – what positive outcomes will there be?

If treatment is the desired outcome of this legislation, it falls far short of its goal. If treatment was the objective, the infrastructure required to support such a goal is not in place in this province, nor is the segway from detoxification to treatment included in this Act. However, I will leave it for more experienced persons in the addictions field to provide their comments regarding that aspect.

The issues associated with the infringement of individual rights are serious enough to justify a series of immediate amendments to this legislation. In this regard, I do not think it is appropriate to sit back and experiment with these vulnerable young persons and then assess what steps need to be taken in the future - my view is that corrective action needs to be taken immediately.

Summary

Children's rights are not well known. Consequently, they are frequently misunderstood. Children need protecting and safeguarding until they acquire the maturity and resilience to handle life on their own. Parents are on the front lines of protecting their children and, as a society, we must support them. The UN *CRC* fully supports parents and legal guardians as having primary responsibility for child rearing. Further, it directs Government to support them in these responsibilities.

In the event that parents are unable to protect or safeguard the interests of their children, the UN *CRC* sets out the child's right to be protected from all forms of physical or mental injury, abuse, neglect or maltreatment. This includes protecting children from the illicit use of drugs. One of the ways that society can protect children is through legislation. However, laws are never enough to protect and safeguard every child. Children need to have services readily accessible and available to them before their situation deteriorates to a point where intrusive intervention, like that seen in this Act, is required to ensure their safety.

As Children's Advocate, I believe that there is a strong obligation on the part of the Saskatchewan Government to uphold the spirit and intent of the United Nations *Convention on the Rights of the Child* since Canada, including the Province of Saskatchewan, became a signatory to the UN *CRC* in 1991. This commitment must extend to all pieces of legislation the Government passes that affect the lives of children.

I also understand the plea of parents to be able to rescue their children from the devastating grip of an addiction. The challenge is balancing the child's right to protection from harm, with the right to fair treatment. As Children's Advocate, I believe achieving this balance is not only possible but also absolutely necessary. However, I find that this balance has not been achieved in *The Youth Drug Detoxification and Stabilization Act* and, more importantly, this legislation as presently worded, is a violation of the rights of children.

It is the right of all children, and indeed all people, to receive fair treatment from Government. It is with the deepest respect and commitment to the principles of our democracy that I have presented this Special Report and corresponding recommendations for amendments to *The Youth Drug Detoxification and Stabilization Act* for consideration by the Saskatchewan Legislature.

Recommendations

As the Children's Advocate for Saskatchewan, I have been both patient and respectful of the legislative process used to pass and proclaim this piece of legislation. But, at every conceivable point of intervention, I have expressed formally, serious reservations and concerns regarding this Act and its implications for Saskatchewan young persons and their families. Additionally, I called for Public Hearings and requested an opportunity, as an Independent Legislative Officer, to make a formal submission to the Standing Committee on Human Services when the legislation in question was in its formative stage as Bill 27. Both of these requests were declined.

As such, it is my duty and obligation pursuant to Section 30.1(3) of *The Ombudsman and Children's Advocate Act*, to bring forward the following recommendations to this Assembly.

Therefore, in keeping with the Government's commitments, as referenced within each recommendation where applicable, the Children's Advocate respectfully makes the following recommendations requesting amendments to *The Youth Drug Detoxification and Stabilization Act* to be enacted in the 2006 spring session, or alternatively as soon as practicable thereafter:

1. That an explicit statement be provided of the underlying purpose(s) of this *Act* in a Preamble, or alternatively a Statement of Purpose provision, stipulating that: (a) the intent of this *Act* is to balance the need of young persons for protection and safety where they may be at risk of serious harm with their entitlement to have all of their fundamental human rights, as set out in the United Nations *Convention on the Rights of the Child*, and their rights to procedural fairness respected at all times; (b) this *Act* shall be treated as having a health-related and not a criminal law focus; (c) more intrusive measures shall only be used where less intrusive ones would be

insufficient; and (d) any period of involuntary detention shall be limited to the shortest appropriate period of time; [CAO.SYS.06 (06)]

2. That all young persons, who are apprehended pursuant to this *Act*, be provided with legal counsel at the point of apprehension, rather than at the completion of the assessment process, at no cost to the young person or family, and with sufficient information as to that right without delay; [CAO.SYS.07 (06)]

3. That all young persons, who are subject to this *Act*, be automatically informed of their right to access legal counsel, the official representative and the Children's Advocate, without first having to request such information; [CAO.SYS.08 (06)]

4. That all young persons, who are subject to this *Act*, be given automatic access to the warrant of apprehension and the sworn information in support of that warrant, so that they will have full and fair written disclosure of the grounds for the apprehension, without being subject to an "onus reversal" and first having to request such information; [CAO.SYS.09 (06)]

5. That all post-apprehension hearings occur automatically, with the Government assuming the onus of proof throughout, rather than there being an "onus reversal" imposed upon all young persons, who are subject to this *Act* and who may be in crisis and acting in some diminished capacity; [CAO.SYS.10 (06)]

6. That all young persons, who are subject to this *Act*, be given the right to participate in any process or procedure, which may result in decisions being made about them under this *Act*; [CAO.SYS.11 (06)]

7. That all young persons, who are subject to this *Act*, be provided with a "youth worker" immediately upon detention, and that the qualifications and duties of that position be defined, so as to include training and experience in both addictions counselling and in acting as a case manager with the capacity to coordinate a broad range of services on behalf of those young persons impacted by this *Act*; [CAO.SYS.12 (06)]

8. That a mandatory child protection assessment be completed to protect the safety of all young persons in those circumstances where they are subject to a community order pursuant to this *Act*; [CAO.SYS.13 (06)]

9. That the concerns raised by Saskatchewan's Information and Privacy Commissioner, as outlined in his Special Report to the

Saskatchewan Legislative Assembly on March 22, 2006 be addressed; [CAO.SYS.14 (06)]

10. That there be a comprehensive evaluation of the impact of this *Act* upon a statistically representative sample of young persons, who are subject to this *Act*, and that this information be provided to the Children's Advocate Office on a regular basis; [CAO.SYS.15 (06)]

11. That all young persons, who are subject to this *Act*, be protected from being prosecuted for non-compliance with orders made under this *Act*. [CAO.SYS.16 (06)] and,

12. That this Special Report be referred to the Standing Committee on Human Services for further consideration to ensure fairness and respect for the principles of natural justice; and, that the rights of children and young persons of this province are respected and protected.[CAO.SYS.17 (06)]

Appendix A

The Saskatchewan ADVOCATE Office

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SASKATCHEWAN

November 24, 2005

FILE COPY

Hon. Graham Addley, Minister
Healthy Living Services
Room 204, Legislative Building
Regina, Saskatchewan S4S 0B3

Fax: (306) 798-0264

Dear Minister Addley:

Re: Proposal for Amendments to Bill 27:
The Youth Drug Detoxification and Stabilization Act

A) BACKGROUND

The Children's Advocate Office (CAO) has been monitoring the government's initiatives to develop a comprehensive plan to address addiction and substance abuse issues in Saskatchewan. As you will recall, on April 28, 2005, the CAO wrote to you encouraging youth voice in the consultation process referred to in *Healthy Choices in a Healthy Community: A Report on Substance Abuse, Prevention and Treatment Services in Saskatchewan* (Report). Incorporating youth voice is a fundamental principle of all work conducted by the CAO. In accordance with Article 12 of the *United Nations Convention on the Rights of the Child* (UN CRC), Saskatchewan youth are to be provided with an opportunity to express their views in matters concerning them.

In June 2005, the CAO met with Minister Crofford and expressed support for the discussion regarding youth addictions being grounded by the UN CRC and reinforced the principle that the implementation of one right was interdependent on respecting all rights. The challenge of balancing a child's right to protection from harm with his or her right to fair treatment was noted. We impressed upon the Minister and subsequently the working group that governments must recognize that children under 18 are subjects of rights and responsibilities and not just objects of concern. They are holders of rights and these rights must be safeguarded.

In addition, a member of my staff and I had a meeting about two months ago with representatives of the Department of Corrections and Public Safety and the Department of Health with respect to this topic.

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While acknowledging and appreciating the discussions described above, there have been no recent consultations with this Office, which may have provided us with the opportunity to identify the procedural safeguards for children and youth.

B) REQUEST

In light of our many concerns, which will be addressed in this communication, I am recommending a number of amendments to Bill 27 to address the problems set out herein. I intend to write to Ms. Judy Junor, Chair of the Standing Committee on Human Services with a copy to Mr. Elhard, Deputy Chair, setting out my concerns. I will also be requesting an opportunity to make an oral presentation.

I am concerned about the Bill moving through the House without sufficient consideration of our concerns, only to find that the legislation, once enacted, results in much time, effort, and cost being expended while the appellate courts consider the arguments of a young person's counsel as to the constitutionality of the legislation pursuant to the *Canadian Charter of Rights and Freedoms*.

C) ADVISORY FUNCTION PURSUANT TO THE *OMBUDSMAN AND CHILDREN'S ADVOCATE ACT*

I am writing this communication in accordance with Section 12.6 (3)(b) of *The Ombudsman and Children's Advocate Act,* which states that I may advise any Minister on any matter relating to the interests and well being of children. The proposed *Youth Drug Detoxification and Stabilization Act* is legislation that affects the interests and well being of children, and as the Children's Advocate for Saskatchewan, I feel it is my duty and obligation to identify the procedural safeguards that appear absent from this new legislation and the corresponding violation of the fundamental rights of the children and youth, who may be caught by this proposed new legislative regime.

D) YOUTH ADDICTIONS AS LARGER SOCIAL AND COMMUNITY PROBLEM

I am pleased that the matter of youth addictions is receiving attention. There is no doubt that services are required to assist young persons to address their addiction concerns, but such services ought to be delivered on a consensual basis, wherever possible. I must also say that the need for involuntary processes may well be a result of insufficient community support and services for young persons and, as the infrastructure in Saskatchewan develops, my hope would be that the need for such intrusive a

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measure as 'involuntary detoxification and stabilization' would become significantly diminished. I concur with your Report, page 16, that legislation alone is not sufficient to address the abuse of alcohol and drug abuse in our society. This is a social issue, and one that is not restricted to the age group this proposed *Act* addresses. For legislation to single out this group of young persons, aged 12 to 17, there is an even greater obligation on the part of government to provide additional procedural safeguards or protections to these young people, having regard to their vulnerability and age limiting capacity.

E) ROLE OF UN CRC AND PROCEDURAL FAIRNESS

I am a strong advocate for the proposition that any legislation, policy or program, created by government on behalf of young persons, ought to include an explicit reference to the UN CRC. In this context, I would recommend a preamble or declaration of principles, which endorses the UN CRC and the commitment to 'the least intrusive measure' principle. For instance, Article 37(b) stipulates that "no child shall be deprived of his or her liberty unlawfully or arbitrarily" and speaks to any loss of liberty being "the measure of last resort and for the shortest appropriate period of time." A preamble might also aid in the interpretation of such open-ended descriptors as 'severe', 'serious' and 'substantial'.

The proposed *Act* leads one from the least intrusive option of voluntary stabilization and detoxification through to a deprivation of liberty. When liberty of the person is at stake, the *Canadian Charter of Rights and Freedoms* demands procedural safeguards. For example, in the case of *The Queen and Director of Child Welfare v. K.B. et al.*, Judge Jordan of the Alberta Provincial Court found that the *Children Involved in Prostitution Act* violated sections 7, 8 and 9 of the *Charter* because of the absence of the kind of procedural safeguards that are markedly absent from Bill 27. At page 11 of her Reasons, Judge Jordan states as follows:

> *"It is not the lack of notice, which offends the principles of fundamental justice. It is the lack of a procedural system, which would allow each and every one of the children to appear before a Judge, with the assistance of counsel, to participate in an adversarial process where they can challenge the Director's evidence [in this case physician] and present their own evidence.*
>
> *The emergent nature of the apprehension process, which was described in the evidence does not demand the draconian attenuation of procedural safeguards in the Act..."*

In addition, Article 37(d) of the UN CRC expresses the following fundamental entitlement of all children and youth in this country and in Saskatchewan:

> *"Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."*

In view of these limits on government authority, I would suggest that the apprehension process set out in this proposed *Act* offends the principles of fundamental justice. More particularly, subsequent to apprehension, there is no opportunity for the youth to respond to allegations before a Judge. If we compare this legislation with 'show cause' hearings in child welfare proceedings or bail hearings in the criminal process, the lack of due process is immediately apparent. In this regard, although there are appeal mechanisms in the Bill, they occur at the back end of the process. I would suggest that it is patently unfair for the young person to have to bear the responsibility of requesting an appeal to the review panel, with the accompanying 'reverse onus of proof' resting squarely on the shoulders of the young person. Instead, this post-apprehension court hearing should occur as a matter of right, with the government having the onus of proof throughout, rather than the youth in question.

F) LEGAL REPRESENTATION

There is a concern about the timing and availability of appropriate legal representation for the young person. The proposed *Act* does not stipulate how the legal representation will be activated and is not even referred to until the review panel stage. The young person is entitled to access counsel right from the point of apprehension. In addition, if this kind of representation is not clearly on the legal aid menu of services, then the reference to legal counsel is more illusory than real.

G) RIGHT TO BE INFORMED

The first step in procedural fairness or the principles of natural justice is the right to be informed. The young person's right to be informed appears to be compromised at various stages in the admission, detention and appeal processes contained in this legislation.

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I am proposing an amendment that would provide that, at the very outset, prior to assessment, the youth is explicitly apprised of his or her right to access legal counsel, the official representative and the Children's Advocate. As well, even prior to any assessment, the young person is entitled to an automatic right to obtain the warrant and the sworn information in support of that warrant, so that he or she will have fair and reasonable disclosure of the grounds for the apprehension. Section 6 of the proposed *Act* places the onus on the young person to request a copy of the documentation being sought, when, in fact, this is an unfair 'reverse onus' and the information ought to be provided to him or her automatically.

H) RIGHT TO YOUTH VOICE

Youth have a right to participate in any procedure or decision being made about them. The proposed *Act* provides for no youth voice or participation until the review panel is convened and at this time they are not allowed to challenge the legitimacy of the originating apprehension. As well, subsequent to apprehension, there is no opportunity for the youth to respond to allegations before a Judge. As previously mentioned, if we compare this legislation with show case hearings in child welfare proceedings or bail hearings in the criminal process, it is evident that the procedural protections are seriously deficient.

I) LACK OF CASE MANAGEMENT

There is no identified case manager or advocate for the young person during the detoxification and stabilization process. The youth is not represented at the hearing, which, in addition to being administratively unfair, begs the question of who will be responsible for managing the young person's assessment by the physicians. If the detoxification order does not proceed because two physicians are not in agreement on the severity of the situation, is the youth provided with any community based supports, and if so, who will manage the young person's utilization of these supports?

J) EXPANDED AUTHORITY

It is concerning that police officers are provided with the same authority as a Judge, to cause a child to be apprehended, without the benefit of procedural safeguards and judicial training. As well, physicians – who are not necessarily psychiatrists - are

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provided with the express authority to issue community orders, which are tantamount to probation orders and require a level of judgement and professional development generally reserved for Judges.

K) EFFECTS OF NON-COMPLIANCE WITH ORDERS

I am concerned about any potential criminal consequences, which may result from any acts of non-compliance on the part of the young person, who may breach a community or detoxification order. This is not addressed in the proposed *Act*. Given that there is no 'judicial standing' attached to the issuance of these orders, which are made by physicians, it would be unfair for criminal sanctions to apply. In addition, is there any expectation that the young person would be apprehended for another 30-45 days? This would be an abuse of process and the maximum time limits set out in the proposed *Act*.

L) CHILD PROTECTION CONCERNS

Where community orders are made, there is no mandatory child protection assessment to ensure that the youth is safe in the home in which he or she is expected to reside. I am concerned about the possibility of violence erupting where the parent has initiated the involuntary stabilization process for the young person now residing in his or her home.

M) CONSULTATION WITH YOUNG PERSONS

During the summer of 2005, the Children's Advocate Office met with 36 young people with diverse backgrounds and experiences, including young people who have experience with detention centres, and addictions service, young parents, youth attending school and others in the workforce.

Although the 36 youth we spoke to did not forward any formal recommendations, they identified many issues, concerns, and suggestions that are worthy of consideration by Saskatchewan's decision makers. Some of these observations and voices would appear to support the following:

1) Any secure care system needs to be reserved for the most severe cases and should respect the principle of procedural fairness;
2) The problem of addictions is not simply a youth issue; and
3) The focus on youth addictions diminishes the concern expressed about the excessive use of alcohol by adults.

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I attach this report, which is posted on the CAO website at www.saskcao.ca, for your perusal.

Thank you for your consideration of these important matters.

Please contact me if you have any questions about the contents of this communication as well as the attached document. I look forward to receiving your response and identification of your intended course of action at your earliest opportunity.

Sincerely,

Marvin M. Bernstein

Marvin M. Bernstein, B.A., LL.B., LL.M.
Children's Advocate
Province of Saskatchewan

MMB/ccs
Attachment

Appendix B

The Saskatchewan ADVOCATE Office

Children's Advocate
315 25th Street East
Saskatoon, Saskatchewan S7K 2H6
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Fax: (306) 933-8406
Toll Free: 1-800-322-7221
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www.saskcao.ca

SASKATCHEWAN

November 25, 2005

Ms. Judy Junor
Chairperson
Standing Committee on Human Services
Legislative Building
Regina, Saskatchewan S4S 0B3

FILE COPY

Fax: (306) 787-0408

Dear Ms. Junor:

Re: Proposal for Amendments to Bill 27:
The Youth Drug Detoxification and Stabilization Act

A) BACKGROUND

The Children's Advocate Office (CAO) advocates with children, youth and their natural advocates to ensure that the interests and well-being of children and youth are respected and valued. The CAO has been monitoring the government's initiative to develop a comprehensive plan to address addiction and substance abuse issues in Saskatchewan.

In expectation that the above-mentioned Bill will be forwarded to the Standing Committee on Human Services, I am raising a number of concerns with respect to the proposed *Youth Drug Detoxification and Stabilization Act. ('Act')* I appreciate that a concerted effort has been made to balance a child's right to protection from harm with his or her right to fair treatment. However, it must be recognized that children under 18 are subjects of rights and responsibilities and not just objects of concern. They are holders of rights and these rights must be safeguarded. As Children's Advocate, I feel it is my duty and obligation to identify the procedural safeguards that appear absent from this new legislation and the corresponding violation of the fundamental rights of the children and youth, who may be caught by this proposed new legislative regime.

B) REQUEST

I am concerned about the Bill moving through the House without sufficient consideration being given to our concerns, only to find later that the legislation, once enacted, results in much time, effort, and cost being expended while the appellate courts consider the

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arguments of a young person's counsel as to the constitutionality of the legislation pursuant to the *Canadian Charter of Rights and Freedoms*.

Therefore, I am recommending a number of amendments to the proposed *Act* to address the problems set out in this communication. I am also requesting an opportunity to make an oral presentation at the Committee's convenience.

C) YOUTH ADDICTIONS AS LARGER SOCIAL AND COMMUNITY PROBLEM

I am pleased that the matter of youth addictions is receiving attention. There is no doubt that services are required to assist young persons to address their addiction concerns, but such services ought to be delivered on a consensual basis, wherever possible. I must also say that the need for involuntary processes may well be a result of insufficient community support and services for young persons. As the infrastructure in Saskatchewan develops, my hope would be that the need for such intrusive a measure as 'involuntary detoxification and stabilization' would become significantly diminished. We concur with the suggestion in the Addley report, *Healthy Choices in a Healthy Community: A Report on Substance Abuse, Prevention and Treatment Services in Saskatchewan*, that legislation alone is not sufficient to address the abuse of alcohol and drug abuse in our society. This is a social issue, and one that is not restricted to the age group this proposed *Act* addresses. For legislation to single out this group of young persons, aged 12 to 17, there is an even greater obligation on the part of government to provide additional procedural safeguards or protections to these young people, having regard to their vulnerability and age limiting capacity.

D) ROLE OF UN CRC AND PROCEDURAL FAIRNESS

I am a strong advocate for the proposition that any legislation, policy or program, created by government on behalf of young persons include an explicit reference to the UN CRC. In this context, I am recommending a preamble or declaration of principles that endorses the *United Nations Conventions on the Rights of the Child* (UN CRC) commitment to 'the least intrusive measure' principle. For instance, Article 37(b) stipulates that "no child shall be deprived of his or her liberty unlawfully or arbitrarily" and speaks to any loss of liberty being "the measure of last resort and for the shortest appropriate period of time." A preamble might also aid in the interpretation of such open-ended descriptors as 'severe', 'serious' and 'substantial'.

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The proposed *Act* leads one from the least intrusive option of voluntary stabilization and detoxification through to a deprivation of liberty. When liberty of the person is at stake, the *Canadian Charter of Rights and Freedoms* demands procedural safeguards. For example, in the case of *The Queen and Director of Child Welfare v. K.B. et al.*, Judge Jordan of the Alberta Provincial Court found that the *Children Involved in Prostitution Act* violated sections 7, 8 and 9 of the *Charter* because of the absence of the kind of procedural safeguards that are markedly absent from the proposed *Act*. At page 11 of her Reasons, Judge Jordan states as follows:

> *"It is not the lack of notice, which offends the principles of fundamental justice. It is the lack of a procedural system, which would allow each and every one of the children to appear before a Judge, with the assistance of counsel, to participate in an adversarial process where they can challenge the Director's evidence [in this case physician] and present their own evidence.*
>
> *The emergent nature of the apprehension process, which was described in the evidence does not demand the draconian attenuation of procedural safeguards in the Act..."*

In addition, Article 37(d) of the UN CRC expresses the following fundamental entitlement of all children and youth in this country and in Saskatchewan:

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I attach this report, which is posted on the CAO website at www.saskcao.ca, for your perusal.

Thank you for your consideration of these important matters.

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Sincerely,

Marvin M. Bernstein

Marvin M. Bernstein, B.A., LL.B., LL.M.
Children's Advocate
Province of Saskatchewan

MMB/ccs

Attachment

c. Wayne Elhard, Deputy Chair, Standing Committee on Human Services
Iris Lang, Committee Clerk, Standing Committee on Human Services

Appendix C

Say Nothing About Me Without Me!

Saskatchewan Young Persons Voices
on Addiction and Intervention Methods

October 2005

The Saskatchewan Children's ADVOCATE Office

www.saskcao.ca

36 Saskatchewan Young Persons Said...

Young Persons Voice on Addiction and Intervention Methods

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (Article 12 of the United Nations Convention on the Rights of the Child)

Say Nothing About Me Without Me

The Children's Advocate Office (CAO) promotes the interests of, and acts as a voice for children who have concerns about provincial government services. The CAO engages in public education, works to resolve disputes and conducts independent investigations. The CAO also recommends improvements to programs for children to the government and/or the Legislative Assembly. The following report is a communication tool for facilitating and elevating the voices of Saskatchewan young persons to the public.

More then ever, young persons yearn for their voices and opinions to be heard and considered in policy and program development, specifically those policies and programs that directly impact them, "Say nothing about me without me!" Young persons have valuable opinions, ideas and suggestions on the creation and implementation of services that merit the attention and consideration of decision-makers.

In recognition of this need and the value that young persons are capable of providing, the CAO is committed to incorporating youth voice in the work of the office. The CAO engages in four main services: Individual advocacy, investigations, public education, and youth voice, which are all components of and contribute to systemic advocacy. Systemic advocacy is concerned with promoting best interests, rights and well being of children and youth; drawing community and government attention to issues; influencing decisions, laws, policy and practice that impact children and youth, and where possible, is citizen-initiated. An important element of this service is ensuring the input and opinions of young people in the identification and advancement of issues that affect them. The objective of this report is to amplify the unrefined voices of Saskatchewan young persons on a CAO-identified systemic issue, to the public.

The issue of drug-addictions and proposed intervention strategies was recently identified by the CAO as a pressing matter that required systemic action. Part of the research conducted regarding the issue was consultations with young persons. Four focus groups were conducted to incorporate the experiences and opinions of Saskatchewan young persons on this issue that directly affects their lives. This report reflects the thoughts of the 36 young people that voluntarily submitted their voices to be heard by the public on this important issue.

36 Saskatchewan Young Persons Said...

The CAO's Summary of Four Focus Groups

The CAO conducted four focus groups between June 20th, 2005 and July 21st, 2005, with a variety of youth from across the province to better understand their view on drugs and intervention strategies.

We spoke to youth with diverse backgrounds and experiences, including young people who have experience with detention centers, and addictions services; young parents; youth attending school and others in the workforce. They ranged in age from 16-28 years old and were from Prince Albert, North Battleford, Regina, and Saskatoon. Within Saskatchewan, there are an estimated 218, 417 young people between the ages of 15 and 29 (Sask Trends Monitor, 2004).

The youth we spoke to during our four focus groups were from an array of community groups including; two high schools, one secure custody facility, and one street outreach center. Of the four groups, one consisted exclusively of males, one of females and two of an approximately equal representation of both genders. In total, the CAO spoke with 36 youth. 20 of these 36 youth were female and 16 were male.

It is our hope that the following excerpts reflect the voices of these 36 Saskatchewan youth. It is important to note that these are solely the opinions of these participating youth. Participants were asked specifically to speak from their individual experiences and/or knowledge of the issue.

Focus Group Discussion Responses

1. Do you think there is a drug problem in your community / school?

Each of the four focus groups reported that they believed drugs were a problem in their communities. The youth identified that a "community drug problem" exists when a significant number of people are using drugs. Some youth relayed concern about drug use at their schools but identified that the majority of drug problems occur in the community at large.

> "I know more people who are doing drugs than not."
> "There are drugs on school grounds."
> "Drug problems happen overall more in the community than at school."
> "It's not too bad in schools, some kids are doing it at breaks but not bad."

The youth we spoke to identified that drug use becomes a problem when:

> "It takes over your life...your life revolves around the drug."
> "It becomes the main focus of your life."
> "It changes your life, you count on the drug to get you through the day."
> "You begin to steal from your friends and family."
> "Your friends change, you lose your friends."
> "Your priorities change."
> "You don't look after yourself anymore."
> "You physically change - you look sick or ugly."
> "You stop caring about yourself and others."

2. What kind of drugs are you the most concerned about?

Crystal Meth

18 of the 36 youth reported that crystal meth was the drug that they were the most concerned about.

In one group, five of the seven youth rated crystal meth as their top concern. This focus group was held in a youth outreach centre. The youth we met with provided the following commentary:

> "It is all over the news, people seem to be really concerned about it."
> "It eats your skin, and the puss in the boils makes you high."
> "You can't sleep on it, it has very negative physical effects."
> "It's supposed to be easy to make, the ingredients are easy to find and buy."
> "It rots your body."
> "It's cheap."
> "You age prematurely ..."
> "I've never been in this scene."

Even though the majority of this group identified crystal meth as the drug they were the most concerned about, one participant anonymously indicated that she/he witnessed someone over 18 using crystal meth. Another participant anonymously indicated that she/he witnessed someone between the ages of 12 to 18 use crystal meth. The responses in this group may be more reflective of their increased awareness due to the media rather than direct exposure to crystal meth. It is also noted that this group identified that alcohol was just as concerning to them.

In our two northern focus groups, five of the eight and six of the 11 youth rated crystal meth as the drug they were the most concerned about. One of these focus groups was held in a community school and the other was held in a custody facility. 11 of the youth in these two focus groups anonymously indicated that they had witnessed someone over 18 years of age use crystal meth. Nine of these same youth anonymously indicated that they witnessed someone between the ages of 12 to 18 use crystal meth, and one of these same youth anonymously reported that she/he witnessed someone under the age of 12 use crystal meth. The youth in these groups identified that they were concerned about crystal meth because:

> "People do stupid things when they're on meth."
> "The physical effects are gross – skin peeling, don't sleep."
> "The problem is getting worse."
> "Saskatoon is pretty bad, it takes the reserves longer to get into crystal meth, marijuana and alcohol are much more common there."
> "People use other drugs and then get into meth."
> "When I was dealing the stuff [crystal meth], it was becoming really popular, especially in Edmonton, I wouldn't touch the stuff though."
> "All ages use crystal meth."

In the final focus group, two of the 11 youth rated crystal meth as the drug they were the most concerned about. This focus group was held in a non-inner city high school. This focus group reported that crystal meth was a problem "out there" but didn't believe it was an issue at their school. One of these youth reported that the people who were using crystal meth were doing so "because they can't get the high from other drugs anymore." None of the youth in this group reported witnessing anyone using crystal meth. This group identified that alcohol was more concerning to them.

In our two northern focus groups, one youth rated marijuana as the drug she/he was the most concerned about. Only one person in the community school focus group perceived marijuana to be a drug. The youth in this group provided the following commentary on marijuana:

> "Marijuana and alcohol are much more common [on reserves than crystal meth]."
> "Addictive."
> "Makes you feel good."
> "Not that harmful."
> "It's everywhere so it should just be legalized."
> "All ages use."

In the final focus group, three of the 11 youth rated marijuana as the drug they were the most concerned about. This focus group was held in a non-inner city high school. One youth in this group stated,

> "Marijuana is now becoming a regular thing, it is escalating, however, this is not a trend of all drugs, alcohol is not growing in popularity, the problem is staying the same, there is a phase for each drug."

Cocaine

Two of the 36 youth we spoke to reported that cocaine was the drug they were the most concerned about.

In one group, one of the seven youth rated cocaine as their top concern. The youth in this group provided the following commentary on cocaine:

> "Easily addictive."
> "One try and you will want more – "not true"."
> "People don't believe the hook it has, they take it as a self challenge to beat the supposed addictive effects."
> "Ugly people use it and want to be paid back."
> "It is very expensive so you have to do a lot to get it, therefore it takes away from your basic needs."
> "The high doesn't last long."
> "It leads to a dangerous lifestyle."
> "People lose their jobs and family."
> "People become violent to get it."
> "More accessible than 10 years ago."

In our two northern focus groups, one youth reported cocaine as the drug she/he was the most concerned about. These youth explained their concerns as follows

> "It's big in cities, not really in towns."
> "Over doses are common in P.A."
> "It's easy to access."
> "You become addicted easily."
> "A lot of people go from cocaine to crystal meth."
> "It feels different than all other drugs."
> "At a party you would often see both cocaine and crystal meth."

In the final focus group, none of the youth rated cocaine as the drug they were the most concerned about. This focus group was held in a non-inner city high school.

Cigarettes

One of the 36 youth we spoke to reported that cigarettes were the drug she/he was the most concerned about. This youth participated in one of the northern focus groups held in a custody facility.

3. Who do you think uses drugs the most?

The majority of the youth we spoke to identified that they thought drugs are used by adults and youth and did not see drugs as an exclusively "youth issue". They told us their thoughts on who uses drugs:

"People of partying ages."
"High school age youth experience EVERYTHING."
"Adults use alcohol, pot and meth."
"All ages use coke."
"Adults use needles and Rx pills."
"These adults could be professionals because they are the ones who have the money."
"Adults are the ones supplying the drugs to young people."
"Gangs, First Nations, people in cities."
"Agree that it's a youth issue, there are adults that use but not as many."
"Not only a youth issue, it's adults as well."

Youth tend to socialize with other youth their age. Therefore, their exposure to, and witness of, drug use would be, for the most part, within their social circles. However, even with this obvious bias, the majority of youth we spoke to identified that all ages of people use drugs.

4. Why do you think people use drugs?

"People use drugs to escape and wind up getting into trouble."
"People trying to fill voids in their lives."
"People who want to relax or are depressed."

5. What do you think works best for people who do have problems with drugs?

"Don't use scare tactics."
"Must acknowledge the problem."
"Peer support."
"Address the problem."
"Address underage drinking, teachers and parents must address it as opposed to allowing it, teachers know students come to school drunk and yet do nothing about it."
"Must make a note and take action against people "pulling." "Pulling" is a term used for purchasing alcohol on behalf of a minor.
"No drinking and no drug policy must be enforced in schools."
"Person has to want help."
"Detox centers don't work because you can run away."
"Treatment centers have to be supportive."
"It is hard to get a spot in Detox."
"Need an ongoing support program – mom, after Detox had no job or money, couldn't buy food or medicine, no finances makes the situation more stressful, therefore revert back to the abuse, couldn't get into Detox here, had to go to a small town."
"Jail- lock them up where they can't leave, they get drug free; it's not a solution but it's one option."
"People use drugs in jail too."
"Will go out and use again."
"They need treatment like programs and counseling."
"Listen to a role model."
"People go to treatment and come back to the same community and go back to the same stuff."

6. What do you think about making people go for treatment?

"Parents could use this, and manipulate the system to get their kid locked up."
"Not right to lock up 10yr-old you will just cause more harm to the kid."
"Jail is just a revolving door, the cycle keeps going, it won't DEAL with the problem."
"A person has to be willing to go to treatment, being forced won't work."
"You can't make people go into treatment."
"It would be better if you can't take off."
"Worse if you can't take off because you would be stuck with your decision."
"It's a good idea, but it won't take care of addiction."
"Should be longer time that they're locked up, after 5 or 30 days, they'll just go right back into the same stuff they were in before."
"Shouldn't be a forced entry to apprehend the youth."
"It may cause more harm, institutionalizing people, they learn how to be a better criminal in those kind of places."
"Should do it for 18 and up too."
"Some people should be forced into treatment, especially those who are not used to having a better life, they need to see what life could be like."
"What about kids concerned about their parents?"
"All ages can't hurt, see if treatment would work, it could help in the long run."
"Detox shouldn't be as cushy and welcoming, people often go to detox several times, and it should be more like a boot camp.""People sometimes go to detox to find drugs because of the dealers that are there."
"Need to teach life skills, lifestyle changes so that they can go on with their lives, without the drug."
"It should be mandatory for 14 and under, once you start mixing the 15 and 16 year olds in there then you have problems with youth recruiters for child sexual exploitation. The 15/16 year-olds get the young ones hooked on drugs and then they get them into prostitution that way."
"We must deal with the underlying social problems before the kids are that addicted, we need to improve detox facilities but that's not all we have to do."
"It's against their rights."
"If someone is being hurt by the drug abuse, then it must be addressed."
"It is acceptable because in the state the person is in, they are unable to make a reasonable choice."
"If parents are worried then there's clearly a problem, if they want them to go, then they should."
"The person has to want to quit."
"As a parent they should have the right."
"If I was in that position I would feel oppressed, however, from the outside it seems reasonable because they have impaired judgment."
"Yes, if they have the right evidence."

7. What do you think about making people go for treatment even if they don't want to go?

"Just will relapse anyway"
"Need to want to quit a bit."
"If rights are upheld."
"Can't get help until they want it... they will just get worse into it... need supports when they are out."

The young people we spoke to had the following comments to add about the possibility of secure care legislation being implemented in Saskatchewan.

"The only referral should be allowed to come from a parent or guardian."
"It is unfair that a youth could not do this for their parent."
"I think if someone goes to detox there should be a program put on in front of them after they sober up about the repercussions of the use of their choice of drug."
"The new program should apply to all citizens, NOT just youth."
"Parents should not have the ability to force their children into treatment."
"I believe that the problem lies in society and removing them against their will is unconstitutional, it should be voluntary."
"[I agree with secure] detox in order to get someone to get help they will need/ want help."
"Only for some drugs."
"They have to be willing to take the help before you can offer the help."

Conclusion

Although the 36 youth we spoke to did not formulate any formal recommendations, they provided many issues, concerns, and suggestions that are worthy of consideration by Saskatchewan's decision makers. The CAO has forwarded their voice, with liberal quotations, to capture their thoughts, opinions and concerns.

References:

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